

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

No. 02-CR-0348-LTS

JORGE GANDIA ORTEGA,

Defendant.

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ORDER

On June 2, 2005, Jorge Gandia Ortega (“Defendant”) was sentenced principally to a term of imprisonment of 360 months after being found guilty of charges relating to conspiracy to distribute and possess with intent to distribute, and distribution and possession with intent to distribute, between 50 and 150 kilograms of cocaine, in violation of 21 U.S.C. §§ 812, 841(a)(1), (b)(1)(A), and 846, and 18 U.S.C. § 2. The Defendant’s sentencing guidelines range was 360 months to life imprisonment, based on an offense level of 40 and a criminal history category of IV. The Bureau of Prisons currently projects that the Defendant will be released from prison on June 3, 2029.

Effective November 1, 2014, the United States Sentencing Commission (“Sentencing Commission”) amended the United States Sentencing Guidelines Manual to lower the guideline sentencing range for certain categories of offenses involving drugs. The Sentencing Commission also adopted an amendment to § 1B1.10 of the Guidelines authorizing, effective November 1, 2014, retroactive application of the amendment to the drug guidelines.

Defendant has made a motion for reduction in his sentence (Docket Entry No. 145) and the Probation Department has issued a report indicating Defendant is eligible for a reduction.

Accordingly, it is hereby ORDERED that the Federal Defender in this District is appointed to represent the Defendant in connection with this Court's consideration of whether the Defendant's sentence should be modified in light of the amendment to the drug guidelines.

IT IS FURTHER ORDERED that no later than **March 6, 2020**, the Government shall file a statement of its position on the modification of the Defendant's sentence to reflect the full effect of the revision of the offense level for drug offenses.

IT IS FURTHER ORDERED that the Defendant shall file his position on a modification of his sentence no later than **March 20, 2020**.

IT IS FURTHER ORDERED that the Government's reply, if any, is due **April 3, 2020**.

IT IS FURTHER ORDERED that when filing their submissions, the parties shall provide the Court with one courtesy copy by delivering a copy of the submission to the Courthouse Mailroom, 8th Floor, United States Courthouse, 500 Pearl Street, New York, New York.

SO ORDERED.

Dated: New York, New York  
February 5, 2020

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge

cc: Jennifer L. Brown, Esq., Attorney-in-Charge, Federal Defenders of New York